

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton
Vice Mayor Mary Collins
Councilmember Roberto Alonso
Councilmember Robert Meador II
Councilmember Michael Pizzi
Councilmember Richard Pulido
Councilmember Nancy Simon

MINUTES REGULAR COUNCIL MEETING July 10, 2007 7:00 p.m.

Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER:** Mayor Slaton called the meeting to order at 7:10 p.m.
2. **ROLL CALL:** Town Clerk Debra Eastman called the roll with the following Councilmembers present: Robert Meador, Richard Pulido, Nancy Simon, Michael Pizzi, Roberto Alonso, Vice Mayor Mary Collins and Mayor Wayne Slaton.
3. **INVOCATION/MOMENT OF SILENCE:** Mayor Slaton called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** Mayor Slaton led the pledge of allegiance.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):** Mayor Slaton announced the rules of conduct for the meeting. He invited anyone wishing to speak to fill out a card and present it to the Town Clerk. He explained that anyone can be heard under the item of public comments and/or when the item is taken up on the agenda.

Vice Mayor Mary Collins asked to pull item 8C from the consent agenda and to combine items 14B and 12B. Councilmember Michael Pizzi asked to defer item 14G, to pull item 8F from the consent agenda and to move item 14E to after public comments. Councilmember Richard Pulido asked to pull consent item 8B and 8D and asked why item 12B and 12C were under the heading of Resolutions and no resolution was included in the agenda packet.

Town Attorney Nina Boniske apologized for not providing the resolution. Councilmember Pulido objected to the items being placed under the heading of resolution and suggested that the items be moved.

Councilmember Michael Pizzi made a motion to move the items under Attorney Reports and number them A and B. There was a second from Vice Mayor Mary Collins.

Town Attorney Nina Boniske also requested that item C be added to Attorney Reports, as she will be requesting an Executive Session.

Vice Mayor Mary Collins made a motion to accept the agenda as amended. The motion received a second from Councilmember Nancy Simon. The Mayor called for the vote and all were in favor.

6. SPECIAL PRESENTATIONS:

7. PUBLIC COMMENTS:

Miriam Duman spoke regarding the Adult Education Classes .
Miriam Mendoza spoke regarding the Adult Education Classes.

14E Breast Cancer Prevention (Pizzi) – Councilmember Michael Pizzi stated that August is breast cancer awareness month and introduced Andrea Ivory. Ms. Ivory spoke about the program she that gives free screenings. Councilmember Michael Pizzi made a motion to name September as “Breast Cancer Awareness Month”. Councilmember Richard Pulido gave a second to the motion. The Mayor called for the vote and all were in favor.

Vice Mayor Mary Collins made a motion to approve the consent agenda, other than those items which were pulled. It received a second from Councilmember Roberto Alonso. The Mayor called for the vote and all were in favor.

8. CONSENT AGENDA:

A. RESOLUTION OF THE TOWN COUNCIL WAIVING THE TOWN’S PROCUREMENT PROCEDURES; AUTHORIZING THE TOWN MANAGER TO PURCHASE SUPPLIES, MATERIALS, SERVICES OR EQUIPMENT BETWEEN JULY 11, 2007 AND SEPTEMBER 10, 2007, IN EXCESS OF THE DOLLAR AMOUNTS AUTHORIZED IN ORDINANCE NO. 04-51, THE TOWN’S PURCHASING PROCEDURES ORDINANCE. (Rey) Approved on consent.

B. A RESOLUTION OF THE TOWN COUNCIL AMENDING RESOLUTION NO. 01-15 TO INCREASE THE NUMBER OF MEMBERS OF THE YOUTH ACTIVITY TASK FORCE. (Collins)

Councilmember Richard Pulido asked to include more youth on the committee. Vice Mayor Collins suggested she could pull the item to change, but Town Manager Alex Rey indicated that the current wording allows for a minimum of two, but does not preclude more youth being appointed. Vice Mayor Collins made a motion to approve the resolution. It received a second from Councilmember Roberto Alonso. The Mayor called for the vote and all were in favor.

C. A RESOLUTION OF THE TOWN COUNCIL OPPOSING ANY LEGISLATION WHICH WOULD PREVENT THE MUNICIPAL OPT-OUT BY ANY CITY FROM THE MIAMI-DADE FIRE RESCUE DISTRICT. (Rey, Collins)

Vice Mayor Mary Collins stated she pulled this item from the consent in case there were questions. Councilmember Robert Meador stated he supports the League of Cities position on this item.

Dr. David Bennett spoke in order to clarify this resolution.

Vice Mayor Mary Collins made a motion to adopt the resolution. The motion received a second from Councilmember Roberto Alonso. The Mayor called for the vote and all were in favor.

D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING RESOLUTION NO. 01-37, THE COMPREHENSIVE COUNCIL MEETING AND AGENDA PROCEDURES. (Pizzi)

Councilmember Richard Pulido stated he had concerns with the way the resolution is currently written and Councilmembers being present when presentations are made. Town Attorney, Nina Boniske, clarified that the Town Clerk will need to know how many presentations are planned at the time the Council agenda is published. Town Manager Alex Rey clarified that each presentation should be scheduled for approximately five minutes. Councilmember Michael Pizzi made a motion to adopt the resolution with the amendment that if there is one or more presentation, it will trigger the authority of the Town Clerk to set the start time of the Council Meeting. The motion received a second from Councilmember Roberto Alonso. The Mayor called for the vote and all were in favor.

E. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF MIAMI LAKES AND MIAMI-DADE COUNTY PERTAINING TO FLORIDA POWER & LIGHT FRANCHISE FEES. (Rey) Approved on consent.

- F. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE SELECTION OF ANTHONY BARADAT & ASSOCIATES TO PERFORM PUBLIC RELATIONS, BRANDING AND MARKETING FOR THE TOWN. (Rey)**

Mr. Maurizio Passariello spoke in opposition regarding the award of this contract. He suggested that there might be others who would like to have been involved in the bid process. Town Manager Alex Rey clarified the contract structure and explained that the bid process was advertised two times.

Councilmember Michael Pizzi made a motion to deny the adoption of the resolution. The motion received a second from Councilmember Nancy Simon.

Councilmember Roberto Alonso spoke in opposition. Town Manager Alex Rey stated that this is not a time sensitive matter and asked to withdraw the resolution from the agenda. Mayor Slaton declared the item withdrawn.

- G. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REQUESTING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO ERECT A FENCE ALONG THE CANAL RUNNING PARALLEL TO NORTHWEST 138TH STREET TO PREVENT ALLIGATORS FROM COMING ONTO THE TOWN'S LAKES AND ENDANGERING ITS RESIDENTS AND VISITORS. (Meador) Passed on consent.**

- H. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE USE OF THE TERMS AND PRICES IN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") STANDARD WRITTEN AGREEMENT BETWEEN FDOT AND SFM SERVICES, INC., FOR EMERGENCY DEBRIS REMOVAL IN MIAMI-DADE COUNTY (THE "MIAMI-DADE AGREEMENT") AND USE OF THE TERMS AND PRICES IN THE FDOT STANDARD WRITTEN AGREEMENT BETWEEN FDOT AND MONROE COUNTY (THE "MONROE AGREEMENT"). (Rey) Passed on consent.**

9. COMMITTEE REPORTS:

- A. Elderly Affairs Committee –**

Dr. Keith Pisani, Chairman of the Committee, gave the report and introduced Luis Collazo who will be involved with the aging and resource center and Michael Salem from the STEPS in the right direction program.

Vice Mayor Mary Collins thanked Dr. Pisani and gave her support to the Committee.

Councilmember Nancy Simon asked about the resource center including a database of names of people who have disabilities in case of hurricane needs.

Miriam Mendoza spoke under Public Comments that she would like to see some other non-profit organizations involved and suggested that sponsors be found for events.

B. Cultural Affairs Committee

Felicia Salazar, Chairman of the Cultural Affairs Committee, introduced the members of the Board of Directors of the Main Street Playhouse. She reminded the Council that she has returned as a follow up to the prior month's report and request for \$4,000 to fund the rent for the Main Street Playhouse. The financial information was provided in the agenda.

Under Public Comments, Dr. Alan Beech spoke in support of the need for the rent subsidy for the theater.

Clara Lyzniak spoke in favor of the funding and explained the theater renovations and community service hours by students and Eagle Scouts.

Vice Mayor Mary Collins made a motion to add \$4,000 to the Cultural Affairs Committee budget to be given as rent for the Main Street Playhouse. The motion received a second from Councilmember Richard Pulido.

Councilmember Robert Meador thanked Ms. Salazar for the report and stated that he reviewed the recording of the Council meeting last year where the funding was discussed. He stated that he will support the motion.

Councilmember Roberto Alonso supported the motion and asked that the theater look for corporate sponsors to help with the rent expense. Councilmember Michael Pizzi spoke in favor of the theater getting private donations for funding rent payments.

The Mayor called for the vote and all were in favor.

At 9:20 p.m. the Mayor called for a brief recess. The meeting resumed at 9:35 p.m. The Clerk called the roll with the following Councilmembers in attendance: Robert

Meador, Richard Pulido, Nancy Simon, Michael Pizzi, Roberto Alonso, Vice Mayor Mary Collins and Mayor Wayne Slaton.

10. ORDINANCES – FIRST READING:

11. ORDINANCES – SECOND READING (PUBLIC HEARING):

A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING TOWN PARK RULES AND REGULATIONS. (Rey)

Town Attorney, Nina Boniske read the title of the ordinance. Town Manager, Alex Rey explained the purpose of adopting the proposed park rules. Mayor Slaton opened the public hearing. There being no one wishing to speak, the Mayor closed the public hearing.

Councilmember Nancy Simon made a motion to adopt the ordinance. It received a second and an amendment from Vice Mayor Mary Collins.

Vice Mayor Mary Collins amended the motion to remove pony rides from the prohibited section and add it to the section that allows bounce houses and to add the same restrictions to pony rides.

Councilmember Richard Pulido spoke in support of the amendment and further amended the motion to allow little farms and petting zoos. Vice Mayor Mary Collins gave a second to that amendment.

The Mayor called for a vote on the amendment to allow pony rides, little farms and petting zoos. All were in favor.

Councilmember Robert Meador questioned whether the rules addressed smoking on benches in the parks. Vice Mayor Mary Collins made a motion to amend to add language that would prohibit smoking around tot lot areas or on or around playing fields and playgrounds. The amendment received a second from Councilmember Nancy Simon. The Mayor called for the vote and all were in favor.

B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 8 “BUILDING CODE” OF THE TOWN CODE BY ADDING A NEW SECTION 8-15 ENTITLED “GREEN BUILDINGS.” (Pulido, Rey)

Town Attorney, Nina Boniske read the title of the ordinance. Mayor Slaton opened the public hearing.

Felicia Salazar spoke in favor of passage of the ordinance.

There being no one else wishing to speak, the Mayor closed the hearing. Councilmember Richard Pulido thanked the Town staff, business leaders, architects and attorneys who assisted in the process and spoke in favor of the legislation. He moved for passage of the ordinance. The motion received a second from Vice Mayor Mary Collins.

Town Manager, Alex Rey explained the levels of compliance and incentives. Mayor Slaton and Councilmember Robert Meador spoke in favor. The Mayor called for the vote and all were in favor.

12. RESOLUTIONS:

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF MIAMI LAKES AND THE CITY OF HIALEAH RESOLVING THE ISSUES RELATING TO THE CASE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS V. MIAMI-DADE COUNTY ET SEQ. (Boniske)**

Town Attorney, Nina Boniske read the title of the resolution. Councilmember Michael Pizzi made a motion to adopt. The motion received a second from Councilmember Roberto Alonso. The Mayor called for the vote and all were in favor.

- B. MITIGATION DISCUSSION AND DIRECTION RE: PENDING AND POTENTIAL LITIGATION. (Boniske)** Item moved to Attorney Reports
- C. ANNUAL EVALUATION AND AMENDMENT TO THE AGREEMENT BETWEEN ALEX REY AND THE TOWN OF MIAMI LAKES. (Slaton)** Item moved to Mayor' Report.

13. REPORTS:

- A. MAYOR'S REPORT:**

ANNUAL EVALUATION AND AMENDMENT TO THE AGREEMENT BETWEEN ALEX REY AND THE TOWN OF MIAMI LAKES. (Slaton) Moved from 12C Resolutions.

Mayor Slaton invited the Councilmembers to discuss the performance of the Town Manager.

It being nearly 11 p.m., Councilmember Richard Pulido made a motion to extend the meeting 30 minutes. It received a second from Councilmember Michael Pizzi. The Mayor called for the vote and all were in favor.

Councilmember Michael Pizzi made a motion to maintain the Town Manager's current salary and extend his contract for ninety days to terminate on January 1, 2009. The motion received a second from Councilmember Richard Pulido.

Councilmember Richard Pulido made a motion to extend the meeting an additional twenty minutes. Vice Mayor Collins gave a second to the motion. The Mayor called for the vote and all were in favor.

Councilmember Nancy Simon exited the meeting.

Councilmember Richard Pulido asked Town Manager Alex Rey if there was anything he would like to change. Mr. Rey requested an increase from the current 15 days a year vacation time to 20 days per year. Councilmember Michael Pizzi stated he would accept the amendment to increase the Town Manager's vacation days from 15 to 20 days annually.

There being no further discussion, the Mayor called for the vote on the amended motion. All were in favor. Mayor Slaton asked if any member of the Council wished to reconsider at this time. There was no response.

B. MANAGER'S REPORT:

C. COUNCILMEMBER'S REPORTS:

A. Wi-Fi City (Pizzi) – Deferred to September 11, 2007

B. NW 87th Avenue (Pizzi) – Deferred to September 11, 2007

D. ATTORNEY'S REPORTS:

A. MITIGATION DISCUSSION AND DIRECTION RE: PENDING AND POTENTIAL LITIGATION. (Boniske) (Moved from item 12B)

Town Attorney, Nina Boniske stated she is seeking direction from Council regarding how they wish to proceed.

Mayor Wayne Slaton spoke in favor of retaining Attorney Bruce Rogow in conjunction with the municipalities of Doral and Palmetto Bay to pursue a unified defense.

Councilmember Michael Pizzi made a motion to extend the meeting an additional ten minutes. Vice Mayor Mary Collins gave a second to the motion. The Mayor called for the vote and all were in favor.

David Bennett spoke in favor of retaining Attorney Rogow.

Councilmember Michael Pizzi made a motion to hire Attorney Rogow and to retain separate counsel to file action against the County for issues raised by the task force. The motion received a second from Vice Mayor Collins.

Town Attorney Nina Boniske recommended that as Town Counsel she move immediately to file whatever action needs to take place in a timely manner.

Mayor Slaton suggested that the motion be split for clear definition. Vice Mayor Mary Collins exited the meeting at 12:40 a.m.

Councilmember Michael Pizzi restated his motion to hire Attorney Rogow. Town Attorney Nina Boniske clarified the direction of Council. The Mayor called for the vote and all were in favor with Councilmembers Richard Pulido, Robert Meador, Roberto Alonso, Michael Pizzi and Mayor Slaton present and voting.

Councilman Pizzi made a motion to authorize the Manager in consultation with Council and with our Attorneys to hire the best outside Counsel they can find to initiate a lawsuit against the County to resolve all the remaining issues including favored nation, Miami Gardens-- to ensure our town will never pay additional funds in mitigation fees. It received a second from Mayor Slaton.

Councilmember Pizzi stated he would accept the amendment that we allow the Town Attorney to file motions immediately with the understanding it is our intention to hire Special Counsel for litigation and that we will give the authority to the Manager to find Special Counsel and coordinate with the rest of the Council. The Mayor called for the vote and all were in favor with Councilmembers Richard Pulido, Robert Meador, Roberto Alonso, Michael Pizzi and Mayor Slaton voting.

Councilmember Michael Pizzi made a motion to extend the meeting an additional five minutes. It received a second from Mayor Slaton. The Mayor called for the vote and all were in favor.

Town Attorney, Nina Boniske read the following into the record and requested that the Council schedule an Executive Session: Miami Dade County v. State of Florida, Leon County Florida Case No. 07-ZA1664 and Claudia Spetsiotis v Town of Miami Lakes, no case number.

14. NEW BUSINESS:

- A. Ex-Parte Communication (Simon) – Deferred to September 11, 2007**
- B. Town Council Meetings–Current Rules of Procedure (Pulido)–Deferred to September 11, 2007**
- C. Amending Town Charter to Change the Date of the General Municipal Election (Meador) – Deferred to September 11, 2007**
- D. Mitigation Fee (Pizzi) – Deferred to September 11, 2007**
- E. Breast Cancer Prevention (Pizzi) – Taken up after item 7.**
- F. HML Day of Thanks (Pizzi) – Deferred to September 11, 2007**
- G. Town Attorneys (Pizzi) – Deferred by Councilman Pizzi**

15. FUTURE MEETINGS:

August 21, 2007–Zoning Meeting, 6425 Miami Lakeway N, Miami Lakes-7:00 PM
September 11, 2007–Regular Meeting, 14100 NW 89 Avenue, Miami Lakes-7:00 PM

16. ADJOURNMENT: The meeting adjourned at 12:45 a.m.

Approved this _____ day of _____, 2007

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk